**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: PETER JOHN SEEBACHER, ET AL  
 Application No.: 10 /529808 Group No.: 2859  
 Filed: December 15, 2005 Examiner: M. Vaughn  
 For: DISTRIBUTED TEMPERATURE SENSOR USING OPTICAL REFLECTOMETRY

**Mail Stop Amendment**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**AMENDMENT TRANSMITTAL**

**WARNING:** Failure to file a complete response in compliance with § 1.135(c) leads to a reduction in patent term adjustment — See § 1.704(c)(7).

- Transmitted herewith is an amendment for this application.

**STATUS**

- Applicant is

- a small entity. A statement:
- is attached.
- was already filed.
- other than a small entity.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

- with sufficient postage as first class mail.

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**TRANSMISSION**

- facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Signature

Date: September 4, 2007

Martin E. Hsia

32,471

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

**NOTE:** 37 C.F.R. § 1.704(b) ". . .an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph."

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

*(complete (a) or (b), as applicable)*

(a)  Applicant petitions for an extension of time under 37 C.F.R. § 1.136  
(fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00

Fee: \$ 60.00

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ 60.00

**OR**

(b)  Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE <b>OR</b> RATE
TOTAL * 17	MINUS ** 18	= 0	× \$25 = \$	× \$50 = \$
INDEP. * 3	MINUS *** 3	= 0	× \$100 = \$	× \$200 = \$
□ FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+ \$180 = \$	+ \$360 = \$
			TOTAL ADDIT. FEE \$	<b>OR</b> TOTAL ADDIT. FEE \$

- \* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20."
- \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c)  No additional fee for claims is required.

**OR**

(d)  Total additional fee for claims required \$ \_\_\_\_\_

### FEE PAYMENT

- Attached is a  check  money order in the amount of \$ 60.00 \_\_\_\_\_
- Authorization is hereby made to charge the amount of \$ \_\_\_\_\_
  - to Deposit Account No. \_\_\_\_\_
  - to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.
- A duplicate of this paper is attached.

## FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

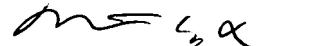
6.  If any additional extension and/or fee is required, charge Account

No. \_\_\_\_\_

### AND/OR

If any additional fee for claims is required, charge Account

No. \_\_\_\_\_



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### SIGNATURE OF PRACTITIONER

Martin E. Hsia

(type or print name of practitioner)

1000 Bishop Street, 12th Floor  
P.O. Address

Honolulu, HI 96813

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Reg. No.: 32,471

Tel. No.: ( 808 ) 544-3835

Customer No.: 000055312

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** In re application of:

Application No.: 10 / 529808

Group No. 2859

Filed: December 15, 2005

Examiner: M. Vaughn

For: DISTRIBUTED TEMPERATURE SENSOR USING OPTICAL REFLECTOMETRY

 Patent No.\*: Issued:

*\*NOTE: Insert name of inventor(s) and title also for patent where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

**Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450****ASSERTION OF SMALL ENTITY STATUS**

(37 C.F.R. § 1.27(c)(1))

**NOTE:** "To establish small entity status after the payment of the basic filing or national stage fee as a non-small entity, a written assertion of small entity status is required to be submitted." Notice of September 8, 2000, 65 Fed. Reg. 54604, at 54609.

**NOTE:** Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

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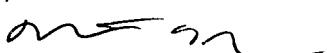
37 C.F.R. § 1.8(a)

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SignatureDate: September 4, 2007Martin E. Hsia32,471

(type or print name of person certifying)

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**NOTE:** 37 C.F.R. § 1.27(c)(1): "Assertion by writing. Small entity status may be established by a written assertion of entitlement to small entity status. A written assertion must:

- (i) Be clearly identifiable;
- (ii) Be signed (see paragraph (c)(2) of this section); and
- (iii) Convey the concept of entitlement to small entity status, such as by stating that applicant is a small entity, or that small entity status is entitled to be asserted for the application or patent. While no specific words or wording are required to assert small entity status, the intent to assert small entity status must be clearly indicated in order to comply with the assertion requirement."

Applicant hereby states that applicant is a small entity and that status as a small entity is asserted for this

application  
 patent

**NOTE:** 37 C.F.R. § 1.27(c)(2): "Parties who can sign and file the written assertion. The written assertion can be signed by:

- (i) One of the parties identified in § 1.33(b) (e.g., an attorney or agent registered with the Office), § 3.73(b) of this chapter notwithstanding, who can also file the written assertion;
- (ii) At least one of the individuals identified as an inventor (even though a § 1.63 executed oath or declaration has not been submitted), notwithstanding § 1.33(b)(4), who can also file the written assertion pursuant to the exception under § 1.33(b) of this part; or
- (iii) An assignee of an undivided part interest, notwithstanding §§ 1.33(b)(3) and 3.73(b) of this chapter, but the partial assignee cannot file the assertion without resort to a party identified under § 1.33(b) of this part."

35 C.F.R. § 1.33(b):

- (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
  - (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
  - (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
  - (3) An assignee as provided for under § 3.71(b) of this chapter; or
  - (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Date September 4, 2007

Martin E. Hsia

(print or type name of person signing statement))



Signature

P.O. Address of signatory

1000 Bishop Street  
12th Floor  
Honolulu, HI 96813

- Inventor
- Assignee(s) of complete interest
- Person authorized to sign on behalf of assignee
- Practitioner of record under § 34(b)
- Filed under § 34(a)

Registration No:

*(if applicable)*

Telephone No. ( 808 ) 544-3835

Reg. No. 32,471

Customer No. 000055312

*(complete the following, if applicable)*

Peter John Seebacher

*(type name of assignee)*

28 Jackson Crescent, Pennant Hills

Address of assignee

New South Wales 2120 AUSTRALIA